

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**MARY F. DOWNS,**

**Plaintiff,**

**v.**

**M&T BANK CORPORATION  
d/b/a M&T Bank**

**Defendant**

**CASE NO.**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1332 and 1441, Defendant, M&T Bank Corporation, by and through its attorneys, Tydings & Rosenberg, LLP, hereby removes this cause of action from the Circuit Court for Baltimore City, Maryland (Case No. 24-C-08-0033077 CN) (the “State Court Action”), where it is now pending, to the United States District Court for the District of Maryland, and as grounds for removal state as follows:

1. On or about May 15, 2008, Plaintiff Mary F. Downs (“Plaintiff”), initiated the State Court Action by the filing of a Complaint. A true and correct copy of the Complaint in the State Court Action is attached hereto as Exhibit “A.”
2. Service of the Complaint was completed on M&T Bank Corporation on or about May 20, 2008, which is less than thirty days before the filing of this Notice of Removal.
3. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).
4. The defendant named in the Complaint, M&T Bank Corporation is a bank-holding corporation incorporated under the laws of the State of New York and with a principal place business in the State of New York.

5. As alleged in the Complaint, Plaintiff Mary Downs resides in Baltimore, Maryland.

6. Plaintiff's Complaint seeks to recover damages in the amount of \$697,637.04, together with interest, costs and attorneys' fees, pursuant to the Federal Truth in Lending Act, 15 U.S.C. § 1639, and state law causes of action.

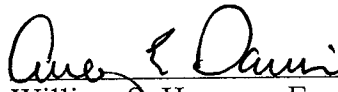
7. This action is removable to this Court pursuant to 28 U.S.C. § 1441 as Plaintiff's claims involve a federal question.

8. In addition, this action is subject to removal, because this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, based upon diversity of citizenship and the amount in controversy.

9. Contemporaneous with the filing of this Notice, Defendant has given written notice hereto to Plaintiff, and Defendant will file a true copy of this Notice of Removal with the Clerk of the Circuit Court for Baltimore City, Maryland, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant M&T Bank Corporation hereby requests that this matter proceed in the United States Court for the District of Maryland as though originally commenced herein.


Date: June 17, 2008

  
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*Attorneys for Defendant  
M&T Bank Corporation*

**CERTIFICATE OF SERVICE**

I, hereby certify that on the 17<sup>th</sup> day of June, 2008, I caused a true and correct copy of the foregoing Notice of Removal to be served by via first class mail to Patrick G. Cullen, Esquire Rollins, Smalkin, Richards & Mackie, LLC, 401 North Charles Street, Baltimore, Maryland 21201, attorneys for plaintiff

  
Avery E. Davis